

PATENT
Docket No.: SK99003C1(99RSS231CON)
10/694,451

REMARKS

STATUS SUMMARY

Claims 1-64 are pending in the present application. The Examiner has rejected claims 11, 12, 28, 29, 42, 46-48, 52-54, and 59 under 35 U.S.C § 102(b) as being anticipated by U.S. Patent No. 5,590,402 to *Samson et al.* ("*Samson*"). The Examiner has also rejected claims 13, 17-19, 21, 22, 24, 30, 34-36, 39, and 41 under 35 U.S.C §103(a) as being unpatentable over *Samson* in view of U.S. Patent No. 6,317,607 to *Tomcik et al.* ("*Tomcik*"), and claims 13, 17-19, 21, 22, 24, 30, 34-36, 39, and 41 as being unpatentable over *Samson* in view of *Tomcik* and further in view of U.S. Patent No. 6,373,823 to *Chen et al.* ("*Chen*").

These formal matters identified in the Office Action are addressed herein below.

RESPONSE TO CLAIM REJECTIONS UNDER 35 USC § 102(b)

The Examiner has rejected claims 11, 12, 28, 29, 42, 46-48, 52-54, and 59 under 35 U.S.C §102(b) as being anticipated by *Samson*. *Samson* does not teach each and every claimed element of claims 11, 12, 28, 29, 42, 46-48, 52-54, and 59. Therefore, Applicant respectfully traverses these rejections.

In response to Applicant's argument that, regarding claims 11, 28, and 42, *Samson* "does not teach a mode selector for selecting a mode of operation of a transmitter but does teach a mode select signal," and that "*Samson* does not teach a controller that adjusts the operating current of at least part of the transmitter responsive to the mode selector," the Examiner responded that "*Samson* inherently teaches a device performing

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the function of switching (corresponding to [the] mode selector) the transmitter from wideband to narrowband. The device coupled to a microprocessor controls the transmitter, and includes means to attenuate or amplify the deviation level when the transmitter changes from wideband to narrowband and vice versa (corresponding to adjusting the operating current).” Based on this reasoning, the Examiner has maintained the rejection of claims 11, 28, and 42.

In response, Applicant respectfully disagrees that *Samson* teaches each and every aspect of the claimed invention of claims 11, 28, and 42 either explicitly or impliedly as required under 35 U.S.C. § 102(b) and MPEP §§ 706 and 2131.

In general, Applicant disagrees that the attenuation of the average and maximum deviation levels of transmitted signals in a communication system of *Samson* teaches the system and the method of the claimed invention that discloses the adjustment of the operating current of at least part of a transmitter or that it “correspond[s] to adjusting the operating current” in a transmitter by a controller responsive to a mode selector. First, the “device coupled to a microprocessor [that] controls the transmitter” of *Samson* does not teach a controller that adjusts an operating current responsive to a mode selector. In *Samson*, the microprocessor referred to in FIG. 1 does not perform the function of the controller 110 of the claimed invention. In the claimed invention, the controller 110 may include software or hardware capable of receiving a mode selection signal from the command interface and determining a base linearity for an RF front-end. (Page 9, lines 8-10). In contrast, in *Samson*, the microprocessor (not

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shown) sends a mode select signal 106 but does not directly adjust the operating current of at least part of a transmitter.

In *Samson*, a mode select signal 106 is used to toggle a transmission gate within wideband/narrowband maximum deviation adjust circuitry 115, FIG. 2, and wideband/narrowband average deviation adjust circuitry 103, FIG. 3, during operation. (Col. 3, lines 1-5 and 63-40). Transmission gate 206, FIG. 2, and transmission gate 312, FIG. 3, are either "on" or "off," depending on the mode select signal 106, and direct the incoming signals, signal 113, FIG. 2, and signal 102, FIG. 3, respectively, through different circuitry dependent on the state of the mode select signal 106.

Thus *Samson* does not teach a controller that adjusts the operating current of at least part of a transmitter responsive to a mode selector. In contrast, in the example implementation of the claimed invention shown in FIG. 2, the controller 110 adjusts the operating current of at least part of a transmitter by setting the operating current for mixer 220 and pre-driver 224 via signal path 224. (Page 13, lines 1-2.)

Therefore, *Samson* fails to teach or describe all of Applicant's claim limitations in independent claims 11, 28, and 42. Thus, Applicant believes that independent claims 11, 28, and 42 are in condition for allowance and respectfully requests that the Examiner withdraw the rejection of these claims under 35 U.S.C. § 102(b).

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CLAIMS 12-13, 15-19, 21-24, 29, 30, 34-36, 38-41, 46-48, 52-54, and 59

Claims 12-13, 15-19, 21-24, 29, 30, 34-36, 38-41, and 46-48 depend directly or indirectly from allowable claims 11, 28, and 42, and therefore are distinguishable over *Samson* for at least the same reasons. Independent claims 48, 54, and 59 are claims stating a signal-bearing medium, a computer data signal embodied in a carrier wave, and a computer-medium having software, respectively. These claims state the same limitations that are stated in allowable claims 11, 28, and 42, and therefore are also distinguishable over *Samson* for the same reasons that are set forth with regard to claims 11, 28, and 42.

In view of the foregoing, Applicant respectfully submits that claims 12-13, 15-19, 21-24, 29, 30, 34-36, 38-41, 46-48, 52-54, and 59 are patentable under 35 U.S.C. § 102(b) over *Samson*, and respectfully requests that the Examiner withdraw the rejection of these claims under 35 U.S.C. § 102(b).

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CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

Respectfully submitted,
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